



# **CITY OF SANTA BARBARA CITY COUNCIL MINUTES**

## **REGULAR MEETING March 25, 2008 COUNCIL CHAMBER, 735 ANACAPA STREET**

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### **CALL TO ORDER**

Mayor Marty Blum called the joint meeting of the Council and the Redevelopment Agency to order at 2:01 p.m. (The Ordinance Committee met at 12:30 p.m., and the Finance Committee met at 1:00 p.m.)

### **PLEDGE OF ALLEGIANCE**

Mayor Blum.

### **ROLL CALL**

Councilmembers present: Iya G. Falcone, Dale Francisco, Roger L. Horton, Grant House, Helene Schneider, Mayor Blum.

Councilmembers absent: Das Williams.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, Deputy City Clerk Lori Cole.

### **CEREMONIAL ITEMS**

1. Subject: Proclamation Declaring March 10-16, 2008, As CNS Brain Awareness Week (120.04)

Action: Proclamation presented to Phill Richmond, Children's Neurobiological Solutions Foundation.

2. Subject: Recognition Of Barney Berglund, Chairperson Of Local Organizing Committee For The Amgen Tour Of California (120.08)

Action: Letter of Recognition presented to Barney Berglund, Chairperson of Local Organizing Committee.

### **PUBLIC COMMENT**

Speakers: Wayne Scoles; Ruth Wilson; Kenneth Loch; Steve Cushman, Santa Barbara Chamber of Commerce; Tony Romasanta; Richard Robinson; David Wass; Mr. Pennington; Bob Hansen; Fred Kullman; Bret Alan Hughes; Steve Hyslop.

## **ITEM REMOVED FROM CONSENT CALENDAR**

4. Subject: Adoption Of Medical Marijuana Permanent Ordinance (520.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Municipal Code by Adding Chapter 28.80 Establishing Regulations and Procedures for Medical Cannabis Dispensaries.

The title of the ordinance was read.

### **Speakers:**

- Staff: City Attorney Stephen Wiley.
- Members of the Public: Penny Jenkins, Fighting Back Steering Committee; Paul Cordeiro, Fighting Back Steering Committee, Council on Alcohol and Drug Abuse; Steve Cushman, Council on Alcohol and Drug Abuse; Dr. Tharon Weighill, Sacred Mountain Medicine; Jeanne Graffy, Fighting Back Steering Committee.

### **Motion:**

Councilmembers House/Schneider to approve the recommendation; Ordinance No. 5449.

### **Vote:**

Majority roll call vote (Noes: Mayor Blum; Absent: Councilmember Williams).

## **CONSENT CALENDAR (Item Nos. 3, 5-10 and 12-15)**

The titles of the resolutions related to the Consent Calendar were read.

### **Motion:**

Councilmembers Horton/Falcone to approve the Consent Calendar as recommended.

### **Vote:**

Unanimous roll call vote (Absent: Councilmember Williams).

3. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of March 4, the special meeting of March 5 (cancelled due to lack of a quorum), adjourned regular meeting of March 10, the special meeting of March 11, and the regular meeting of March 11, 2008.

Action: Approved the recommendation.

5. Subject: Contract For Construction Of The Junipero Pedestrian Bridge And Pathway Lighting Project (530.04)

Recommendation: That Council award and authorize the Public Works Director to execute a contract with Lee Wilson Electric Company, Inc., in their low bid amount of \$41,220, for construction of the Junipero Pedestrian Bridge and Pathway Lighting Project (Project), Bid No. 3525, and to approve expenditures up to \$4,122 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment.

Action: Approved the recommendation; Contract No. 22,712 (March 25, 2008, report from the Acting Public Works Director).

6. Subject: Contract Relating To City Lands And Public Easements Affecting School Sites And Other Locations (330.03)

Recommendation: That Council authorize the Public Works Director to execute a contract with Theresa Marie Green, on behalf of Green & Associates (Teri Green), in the amount of \$50,000, for data research and professional land use planning services relating to City lands and public easements that affect school sites and other facilities, and authorize the Public Works Director to approve expenditures of up to \$5,000 to Teri Green for extra services that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 22,713 (March 25, 2008, report from the Acting Public Works Director).

7. Subject: Professional Services Agreement To Implement A Centralized Geographic Information System (GIS) (170.04)

Recommendation: That Council:

- A. Find it in the City's best interest to waive the formal bid process, as authorized by Municipal Code Section 4.52.080 (k), and authorize the City's Administrative Services Director to execute a professional services agreement and issue a purchase order with RBF Consulting in an amount not to exceed \$197,662, to develop a Centralized GIS; and
- B. Authorize the City's Administrative Services Director to issue required change orders to RBF Consulting, in a total amount not to exceed \$10,000, to cover contingencies associated with changes to services.

Action: Approved the recommendations; Agreement No. 22,714 (March 25, 2008, report from the Administrative Services Director).

8. Subject: Landscaping Grant Of \$17,000 From Santa Barbara Beautiful For The Plaza Vera Cruz Improvement Project (570.05)

Recommendation: That Council accept a \$17,000 contribution from Santa Barbara Beautiful for a portion of the planting for the Plaza Vera Cruz improvement project and increase estimated revenues and appropriations in the Parks and Recreation Capital Improvement Budget.

Action: Approved the recommendation (March 25, 2008, report from the Parks and Recreation Director).

9. Subject: February 2008 Investment Report (260.02)

Recommendation: That Council accept the February 2008 Investment Report.

Action: Approved the recommendation (March 25, 2008, report from the Finance Director).

10. Subject: Set A Date For Public Hearing Regarding Appeal Of Fire And Police Commission Approval Of Dance Permit For The James Joyce

Recommendation: That Council:

- A. Set the date of May 6, 2008, at 2:00 p.m. for hearing the appeals filed by Thomas and Linda Byrne and Tamara Erickson of the Fire and Police Commission approval of an application for property owned by Thomas and Linda Byrne and located at 513 State Street, Assessor's Parcel No. 037-172-012, C-M, Commercial Manufacturing Zone. The project proposes the issuance of a dance permit to The James Joyce bar; and
- B. Set the date of May 5, 2008, at 1:30 p.m. for a site visit to the property located at 513 State Street.

Action: Approved the recommendations (March 10, 2008, letters of appeal).

Agenda Item No. 11 appears in the Redevelopment Agency minutes.

12. Subject: Contract For Construction Of The Plaza Vera Cruz Park Improvements Project (570.05)

Recommendation:

- A. That the Agency Board increase appropriations in the Agency's 2003A Bond Fund by \$160,708 for the Plaza Vera Cruz Park Improvements Project (Project), funded from the Agency's Capital Project Contingency Account;
- B. That the Agency Board authorize the expenditure of \$440,356 for the construction of the Plaza Vera Cruz Park Improvements;

(Cont'd)

12. (Cont'd)

- C. That Council award and authorize the Public Works Director to execute a contract with V. Lopez Junior and Sons, Inc., in their low bid amount of \$392,556, for construction of the Project, Bid No. 3472, and approve expenditures up to \$39,000 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment;
- D. That Council authorize the Public Works Director to execute a contract with Flowers & Associates, Incorporated, (Flowers) in the amount of \$5,000, for construction support services, and to approve expenditures of up to \$500 for extra services of Flowers that may result from necessary changes in the scope of work;
- E. That Council authorize the General Services Manager to issue a Purchase Order to Fugro West, Incorporated, (Fugro West) in the amount of \$3,000 for material testing services, and to approve expenditures of up to \$300 for extra services of Fugro West that may result from necessary changes in the scope of work; and
- F. That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving and Adopting the Findings Required by Health and Safety Code Section 33445 for Funding of Capital Improvements at Plaza Vera Cruz Park.

Action: Approved the recommendations; Resolution No. 08-018; Contract Nos. 22,715 and 22,716 (March 25, 2008, report from the Acting Public Works Director and Acting Community Development Director/Acting Deputy Director).

13. Subject: Contract For Construction For The East Cabrillo Boulevard Sidewalk Replacement Project (530.04)

Recommendation:

- A. That the Agency Board authorize the expenditure of \$1,202,325 for the East Cabrillo Sidewalk Replacement Project;
- B. That Council authorize the Public Works Director to execute a contract with Lash Construction (Lash) in their low bid amount of \$1,071,523 for construction of the East Cabrillo Boulevard Sidewalk Replacement Project (Project), Bid No. 3543, and to approve expenditures up to \$107,152 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment;
- C. That Council authorize the Public Works Director to execute a contract with Penfield & Smith (P&S) in the amount of \$15,500 for construction support services, and authorize the Public Works Director to approve expenditures of up to \$1,550 for extra services of P&S that may result from necessary changes in the scope of work;

(Cont'd)

13. (Cont'd)

- D. That Council authorize the General Services Manager to issue a Purchase Order to Pacific Materials, Inc., in the amount of \$6,000 for material testing services, and to approve expenditures of up to \$600 for extra services of Pacific Materials, Inc., that may result from necessary changes in the scope of work; and
- E. That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving and Adopting the Findings Required by Health and Safety Code Section 33445 for Funding of Capital Improvements to the East Cabrillo Boulevard Sidewalk.

Speakers:

- Staff: Principal Planner Brian Bosse.
- Member of the Public: Marilyn Loperfido, Santa Barbara Arts and Crafts Show.

Action: Approved the recommendations; Resolution No. 08-019; Contract Nos. 22,717 and 22,718 (March 25, 2008, report from the Acting Public Works Director and Acting Community Development Director/Acting Deputy Director).

NOTICES

- 14. The City Clerk has on Thursday, March 20, 2008, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.
- 15. Received a letter of resignation from Creeks Advisory Committee Member Jeff Phillips; the vacancy will be part of the next City Advisory Group recruitment.

This concluded the Consent Calendar.

**REPORT FROM THE ORDINANCE COMMITTEE**

Ordinance Committee member Grant House reported that the Committee met to review Municipal Code Title 5 Business License and Permits updates. A draft ordinance will be forwarded to the Council at a future date for introduction and subsequent adoption.

**REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Roger Horton reported that the Committee reviewed and approved the February 2008 Investment Report, which was approved by the Council as part of this Agenda's Consent Calendar (Item No. 9).

## **MAYOR AND COUNCIL REPORTS**

16. Subject: UCSB Long Range Development Plan (150.02)

Recommendation: That Council receive a presentation from the University of California at Santa Barbara (UCSB) on their Long Range Development Plan.

Documents:

- March 25, 2008, report from the Assistant City Administrator.
- March 25, 2008, UCSB Vision 2025 Long Range Development Plan Summary, including two CDs.

Speakers:

- University of California at Santa Barbara: Executive Vice Chancellor Glenn Lucas, Associate Vice Chancellor Marc Fisher.
- Member of the Public: Kenneth Loch.

By consensus, the Council received the report.

## **CITY ADMINISTRATOR**

17. Subject: Adoption Of City Of Santa Barbara 2008 Legislative Platform (160.02)

Recommendation: That Council:

- A. Adopt the proposed City of Santa Barbara 2008 Legislative Platform; and
- B. Authorize the Mayor, her designee in her absence, and staff, acting on behalf of the City of Santa Barbara, to contact state and federal representatives and send letters to advocate positions consistent with the goals of the City's Legislative Platform.  
(Continued from March 18, 2008)

Documents:

March 18, 2008, report from the City Administrator.

Speakers:

- Staff: Administrative Services Director Marcelo A. Lopez.
- League of California Cities: Regional Public Affairs Manager Dave Mullinax.

Motion:

Councilmembers House/Horton to add the following language to the Transportation section on page 5 of the Legislative Platform: "Support legislation and policies that promote the goals and objectives of the On-TRAC program."

Vote:

Unanimous voice vote (Absent: Councilmember Williams).

(Cont'd)

17. (Cont'd)

Motion:

Councilmembers House/Falcone to add the following language to the Local Control section on page 20 of the Legislative Platform: "Support efforts to reduce air and water quality impacts of shipping in the Santa Barbara Channel."

Vote:

Unanimous voice vote (Absent: Councilmember Williams).

Motion:

Councilmembers House/Schneider to add the following language to the Public Libraries section on page 23 of the Legislative Platform: "Oppose reductions of funding for library services."

Vote:

Unanimous voice vote (Absent: Councilmember Williams).

Motion:

Councilmembers House/Francisco to amend the language in the Law Enforcement section on page 3 of the Legislative Platform to read: "Support data collection on ~~hate~~ crimes based on race, national origin, religion, gender, or sexual orientation and improved federal-local communication and coordination on ~~hate~~ such crimes."

This motion was withdrawn.

Motion:

Councilmembers Falcone/House to approve the Legislative Platform as amended.

Vote:

Unanimous voice vote (Absent: Councilmember Williams).

## **CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

### **PUBLIC WORKS DEPARTMENT**

18. Subject: Work Trip Reduction Incentive Program Update (670.02)

Recommendation: That Council receive a status report on the Work Trip Reduction Incentive Program (Work TRIP).

Documents:

- March 25, 2008, report from the Acting Public Works Director.
- PowerPoint presentation prepared and made by staff.

Speakers:

Staff: Acting Public Works Director Paul Casey, Supervising Transportation Engineer Drusilla Van Hengel.

By consensus, the Council received the report.

## **RECESS**

The Mayor recessed the meeting at 5:21 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 19, and she stated there would be no reportable action taken during the closed session.

## **CLOSED SESSIONS**

19. Subject: Conference With Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is Janeways v. City of Santa Barbara, et al., SBSC Case Number 01111681.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:

March 25, 2008, report from the City Attorney.

Time:

5:23 p.m. - 6:03 p.m.

No settlement approved.

## **RECESS**

6:03 p.m. - 6:06 p.m.

Mayor Blum presiding.

Councilmembers present: Falcone, Francisco, Horton, House, Schneider, Mayor Blum.

Councilmembers absent: Williams.

Staff present: City Administrator Armstrong, City Attorney Wiley, Deputy City Clerk Cole.

## **PUBLIC COMMENT**

No one wished to speak.

## **PUBLIC HEARINGS**

20. Subject: Community Development And Human Services Committee Funding Recommendations For Fiscal Year 2009 And Housing And Urban Development Consolidated Action Plan (610.05)

Recommendation: That Council:

- A. Approve the funding recommendations of the Community Development and Human Services Committee for Fiscal Year 2009 Community Development Block Grant (CDBG) and Human Services funds;

(Cont'd)

20. (Cont'd)

- B. Authorize the Community Development Director to negotiate and execute agreements implementing the funding recommendations, subject to the review and approval of the City Attorney; and
- C. Authorize the City Administrator to sign all necessary documents to submit the City's Action Plan to the Department of Housing and Urban Development (HUD).

Councilmember Falcone stated that she would abstain from voting on the funding recommendations for Zona Seca Youth CineMedia due to a conflict of interest.

Documents:

- March 25, 2008, report from the Acting Community Development Director.
- March 2008 Community Development and Human Services Committee Report on Funding Recommendations for Fiscal Year 2008-2009.
- PowerPoint presentation prepared and made by staff.

Speakers:

- Staff: Community Development Programs Supervisor Sue Gray.
- Community Development and Human Services Committee: Chair Catherine Woodford.
- Members of the Public: Tim Hardy, Channel Islands YMCA; Mike Foley, Casa Esperanza; Antonio Velasquez, Parks and Recreation Department Staff; Jennifer Griffin, Independent Living Resource Center, Inc.; Virginia Benson, Director of Education, Planned Parenthood; Roger Heroux, Bringing Our Community Home; Randy Sunday, Sarah House; Jeanette Duncan, People's Self-Help Housing; Heidi Holly, Bennett Yort and Agris Petersons, Friendship Center; Terri Allison, Storyteller Children's Center; Elizabeth Rumelt, Child Abuse Listening & Mediation; Ellen Goodstein, Legal Aid Foundation; Laura Silberstein, Grants Manager, Foodbank of Santa Barbara County; Rick Lee, The Alano Club of Santa Barbara; Elsa Granados, Santa Barbara Rape Crisis Center; Beverly Schydrowsky, Center for Successful Aging; Quynh Nguyen, Santa Barbara Neighborhood Clinics; Gabriela Rodriguez and youth, Future Leaders of America; Cathy Ann Simon, Santa Barbara Tennis Patrons; Monica Spear, Executive Director, Girls, Inc.; Annmarie Cameron, Mental Health Association; Sister Christine Bowman, Sister Alicia Martin and Jeanette Duncan, St. Vincent's; Dr. Gary Linker, New Beginnings Counseling Center; Megan Rheinschild, Sexual Assault Response Team.

Motion:

Councilmembers Horton/Schneider to approve the funding recommendations with the exception of Zona Seca Youth CineMedia; Agreement Nos. 22,719 - 22,772.

Vote:

Unanimous voice vote (Absent: Councilmember Williams).

(Cont'd)

20. (Cont'd)

Motion:

Councilmembers Horton/Schneider to approve the funding recommendations for Zona Seca Youth CineMedia; Agreement No. 22,773.

Vote:

Unanimous voice vote (Abstention: Councilmember Falcone; Absent: Councilmember Williams).

Based on the previous actions, Council approved allocation of funding as follows:

FISCAL YEAR 2008-2009  
COMMUNITY DEVELOPMENT BLOCK GRANT AND HUMAN SERVICES  
COMMITTEE FUNDING AGREEMENTS

<u>AGENCIES/PROGRAMS</u>	<u>AMOUNT</u>	<u>AGREEMENT NO.</u> (if applicable)
<u>Public/Human Service:</u>		
Aids Housing Santa Barbara (Sarah House)	\$25,000	22,719
Alano Club	\$6,000	22,720
Bringing Our Community Home	\$19,000	22,721
Casa Esperanza (Homeless Day Program)	\$40,009	22,722
Casa Pacifica	\$0	
Catholic Charities (Emergency Housing)	\$14,000	22,723
Channel Islands YMCA (Noah's Anchorage)	\$25,000	22,724
Channel Islands YMCA (Preschool Childcare)	\$7,000	22,725
Child Abuse Listening Mediation (Bilingual Treatment)	\$25,000	22,726
Community Action Commission (Child Development)	\$19,000	22,727
Community Action Commission (Senior Nutrition)	\$13,000	22,728
Community Kitchen	\$52,000	22,729
Conflict Solutions Center (City at Peace)	\$7,500	22,730
Domestic Violence Solutions (Emergency Shelter)	\$54,000	22,731 & 22,732
Domestic Violence Solutions (Intervention)	\$9,500	22,733
Domestic Violence Solutions (Second Stage)	\$7,000	22,734
Dyslexia Awareness	\$5,000	22,735
Family Service Agency (211 CRIS/HelpLine)	\$30,000	22,736
Family Service Agency (Big Brothers/Big Sisters)	\$8,500	22,737
Family Service Agency (Homemaker)	\$6,000	22,738
Family Therapy Institute (AHA!)	\$0	
Foodbank (Brown Bag)	\$8,000	22,739
Foodbank (SB Warehouse)	\$25,000	22,740
Friendship Center (Adult Day Care)	\$24,000	22,741
Future Leaders of America (Family Leadership Project)	\$7,500	22,742
Girl Scouts (City SB Community Collaboration)	\$0	
Independent Living Resource Center	\$24,000	22,743

20. (Cont'd)

<u>AGENCIES/PROGRAMS</u>	AMOUNT	AGREEMENT NO. (if applicable)
<u>Public/Human Service (Cont'd):</u>		
Jewish Federation (Center for Successful Aging)	\$5,000	22,744
Legal Aid (Emergency Legal Services)	\$24,000	22,745
Long Term Care Ombudsman (Ombudsman Advocacy)	\$21,000	22,746
Mental Health Association (Fellowship Club)	\$10,000	22,747
New Beginnings Counseling (Homeless Outreach)	\$15,000	22,748
Pacific Pride (Necessities of Life)	\$13,000	22,749
People's Self-Help Housing (Education Enhancement Program)	\$7,000	22,750
People's Self-Help Housing (Supportive Housing Program)	\$10,000	22,751
Pilgrim Terrace Cooperative Homes	\$0	
Planned Parenthood (Health Education)	\$12,500	22,752
Primo Boxing Club (Say Yes to Kids)	\$32,000	22,753
Project Excel	\$0	
Recording - Blind & Dyslexic (Audio Textbook Production)	\$6,000	22,754
S.B. Community Housing Corp. (Hotel de Riviera)	\$10,000	22,755
S.B. Community Housing Corp. (New Faulding Hotel)	\$15,500	22,756
S.B. Family Care Center (Centro Infantil)	\$20,000	22,757
S.B. Rape Crisis Center (Comprehensive Homeless Services)	\$25,000	22,758
SB County DA - Victim Witness (S.A.R.T.)	\$20,000	22,759
SB Neighborhood Clinics (Dental Care – Homeless)	\$15,000	22,760
SB Police Activities League (Jr. High Afterschool Program)	\$13,000	22,761
SB Tennis Patrons	\$5,500	22,762
St. Vincent's (PATHS)	\$9,000	22,763
Storyteller Children's Center	\$30,000	22,764
The Boys & Girls Club	\$8,000	22,765
Transition House (Comprehensive Homeless Services)	\$38,000	22,766
Transition House (Homelessness Prevention)	\$7,500	22,767
WillBridge	\$22,000	22,768
Zona Seca (Youth CineMedia)	\$8,000	22,773
 SUBTOTAL – Public/Human Service	 \$ 863,009	

20. (Cont'd)

<u>AGENCIES/PROGRAMS</u>	<u>AMOUNT</u>	<u>AGREEMENT NO.</u> (if applicable)
<u>Capital:</u>		
City of Santa Barbara - Neighborhood Improvement (Pedestrian Lighting)	\$200,000	
City of Santa Barbara - Community Development (Housing Rehabilitation)	\$391,153	
City of Santa Barbara - Neighborhood Improvement (Franklin Center Security Cameras)	\$0	
City of Santa Barbara - Neighborhood Improvement (Ortega Welcome House)	\$100,000	
City of Santa Barbara - Neighborhood Improvement (Safe & Clean Neighborhoods)	\$45,602	
Family Service Agency (S.A.I.L.)	\$44,200	22,769
Girls, Incorporated of Santa Barbara (Carpet Replacement)	\$17,500	22,770
Legal Aid (Building Repair)	\$32,000	22,771
Women's Economic Ventures (Micro-Enterprise Development)	\$35,000	22,772
 SUBTOTAL – Capital	 \$865,455	
 <u>Administration/Fair Housing:</u>		
City of Santa Barbara (Administration)	\$159,794	
City of Santa Barbara (Fair Housing)	\$8,410	
City of Santa Barbara (Rental Housing Mediation)	\$92,070	
 SUBTOTAL – Administration/Fair Housing	 \$260,274	
 GRAND TOTAL	 \$1,988,738	

## **ADJOURNMENT**

Mayor Blum adjourned the meeting at 7:14 p.m.

SANTA BARBARA CITY COUNCIL

CYNTHIA M. RODRIGUEZ, CMC  
CITY CLERK SERVICES MANAGER

_____	ATTEST: _____
MARTY BLUM MAYOR	LORI COLE DEPUTY CITY CLERK